

REMARKS

The indication of allowable subject matter in claim 4 is acknowledged with appreciation. By this amendment claim 4 has been amended to clarify the expression "C₀ - C₅ alkyl" means a bond or a C₁ - C₅ alkyl group and rewritten in independent form. Claim 3 has likewise been rewritten in independent form, and claim 1 has also been amended. Support for the amendment to claim 1 is found, *inter alia*, at page 1, lines 23-26 coupled with page 2, lines 18-22. Claims 5-11 have been canceled without prejudice to, or disclaimer of, applicant's rights to prosecute the subject matter thereof in an appropriate divisional application. Claims 1-4 are presented for further examination.

The rejection of claims 1-3 under 35 U.S.C. §112, second paragraph, for alleged indefiniteness is respectfully traversed. The claims do not contain Markush groups (i.e., they do not recite a list of alternatives among which a selection is to be made). Consequently, the proscription set forth in Ex parte Dotter against use of the term "comprising" in a Markush group is not applicable. The claim language is readily understandable to persons skilled in the art. Claim 1, for example, merely recites that R represents an organic group, which organic group must include both at least one fluorine atom and an alicyclic structure. One of ordinary skill in the art can readily determine whether any compound falls within the scope of the claim merely by asking himself or herself the following questions: Does R represent an organic group? Does R include at least one fluorine atom? and Does R include an alicyclic group? If the answer to any of these questions is no, then the compound does not fall within the scope of the claim. If the answer to all three questions is yes, then, assuming that all other limitations of the claim are satisfied, the compound will fall within the scope of the claim. Thus, the claims are respectfully submitted to have a readily ascertainable meaning to persons skilled in the art and to be clear and definite in full compliance with the requirements of the second paragraph of 35 U.S.C. §112. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

The rejection of claims 1-3 under 35 U.S.C. §102(b) over Heckmeier, U.S. 6,217,953 is also respectfully traversed. The fluorine-containing organic groups of Heckmeier are not free of aromatic groups as required by amended claim 1. Instead the fluorine atoms in, for example, each of the compounds IG and IIf are bound directly to an aromatic ring. Consequently, amended claim 1 is not anticipated by the compounds of Heckmeier. Claim 3 also is not anticipated by the cited Heckmeier reference. Claim 3 requires the organic group R of formula 1 to contain a hexafluoroisopropanol group corresponding to formula 2. The Heckmeier compounds do not contain any such hexafluoroisopropanol groups. Consequently, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are therefore respectfully requested.

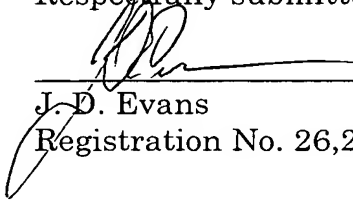
In view of the foregoing amendments and remarks, the application is respectfully submitted to be in condition for allowance, and prompt, favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned at (202) 624-2845 would be appreciated since this should expedite the prosecution of the application

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038788.52799US).

June 9, 2005

Respectfully submitted,



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